

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEREK DANOIS, et al.	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
i3 ARCHIVE INC., et al.	:	NO. 11-3856

ORDER

AND NOW, this 12th day of July, 2013, upon consideration of plaintiffs Derek and Diane Danois's motion for partial summary judgment (docket entry # 27); the memorandum of law in support thereof (docket entry # 28); defendants i3 Archive, Inc., Mark Turnbull, Joseph Keller, and Bruce E. Terker's motion for partial summary judgment (docket entry # 29); the defendants' statement of undisputed facts (docket entry # 30); plaintiffs' response in opposition to defendants' motion (docket entries # 33 - 35); defendants' memorandum of law in opposition to plaintiffs' motion (docket entry # 36); plaintiffs' reply (docket entry # 38), and defendants' reply (docket entry # 39); it is hereby ORDERED that:

1. The plaintiffs' motion for partial summary judgment (docket entry # 27) is GRANTED IN PART and DENIED IN PART, as follows:

a. With respect to Counts III and VI of the Counterclaims, the motion is GRANTED, and those counts are DISMISSED WITH PREJUDICE; and

b. With respect to Counts I, II, and III of the Complaint and Count I of the Counterclaim, the motion is DENIED;

2. The defendants' motion for partial summary judgment (docket entry # 29) is GRANTED IN PART and DENIED IN PART, as follows:

a. With respect to Count I of the Counterclaim, the motion is GRANTED; and

b. With respect to Counts I and II of the Complaint and Count V of the Counterclaim, the motion is DENIED;

3. The Clerk of Court shall TRANSFER this case from the Court's Civil Suspense docket to our Active docket;

4. By noon on July 22, 2013, the parties shall jointly INFORM the Court by fax whether settlement discussions with the Court or with Magistrate Judge Hart would likely be productive; and

5. If the parties inform the Court that settlement

discussions would likely not be productive, we will issue a scheduling order for trial.

BY THE COURT:

/S/ STEWART DALZELL, J.
Stewart Dalzell, J.